

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID LEVOYD REED,

Plaintiff

Case No. 2:19-cv-01514-JAD-DJA

ORDER

v.

BRIAN E WILLIAMS, et al.,

Defendants

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has filed a civil rights complaint, as well two motions to file a supplemental complaint, together with supplemental complaints. (ECF Nos. 1-1, 3, 3-1, 4, 4-1.) The “supplemental complaints” appear to both add details and factual allegations about the claims in the original complaint and add new claims. The Court will not piecemeal Plaintiff’s complaint together from multiple filings. Plaintiff’s operative complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. As such, the Court grants Plaintiff leave to file a fully complete first amended complaint within 30 days. If Plaintiff does not file a fully complete amended complaint, the court will only screen his initial complaint (ECF No. 1-1) and will not consider any allegations in Plaintiff’s supplemental complaints (ECF No. 3-1, 4-1).

If Plaintiff chooses to file a first amended complaint, he is advised that a first amended complaint supersedes (replaces) the original complaint, thus the first amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff’s first

1 amended complaint must contain all claims, defendants, and factual allegations that
2 Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the first amended
3 complaint on this Court's approved prisoner civil rights form, and it must be entitled "First
4 Amended Complaint."

5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS ORDERED that, Plaintiff's motions to file a
7 supplemental complaint (ECF Nos. 3, 4) are DENIED

8 It is further ordered that Plaintiff is given leave to file a fully complete first amended
9 complaint. If Plaintiff chooses to file a first amended complaint, Plaintiff will file the first
10 amended complaint within 30 days from the date of entry of this order.

11 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
12 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
13 initial complaint, as well as his supplemental complaints (ECF Nos. 1-1, 3-1, 4-1). If
14 Plaintiff chooses to file a first amended complaint, he must use the approved form and he
15 will write the words "First Amended" above the words "Civil Rights Complaint" in the
16 caption.

17 IT IS FURTHER ORDERED that, if Plaintiff does not timely file a first amended
18 complaint, the Court will screen the original complaint (ECF No. 1-1) only and will not
19 consider any allegations in the supplement to the complaint (ECF Nos. 3-1, 4-1).

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21 DATED this 3rd day of December 2020.

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23 UNITED STATES MAGISTRATE JUDGE
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